
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT H. LOWRY,

Defendant.

**MEMORANDUM DECISION AND
ORDER GRANTING EARLY
TERMINATION OF SUPERVISED
RELEASE**

Case No. 2:05CR895DAK

Judge Dale A. Kimball

This matter is before the court on Defendant Scott H. Lowry's motion for early termination of supervised release. On March 24, 2008, the court sentenced Defendant to 70 months incarceration with the United States Bureau of Prisons followed by a 36-month term of supervised release. On October 8, 2010, Defendant was released from custody and began serving his term of supervised release. Therefore, Defendant's term of supervised release is not scheduled to terminate until October 8, 2013.

Pursuant to 18 U.S.C. § 3583(e)(1), after considering the factors set forth in Section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), and (a)(6), the court may terminate a term of supervised release "at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." The factors to be considered in Section 3553(a) are those factors to be considered in imposing a sentence, including "the nature and circumstances of the offense and

the history and characteristics of the defendant,” the applicable sentencing guidelines and any policy statements issued by the Sentencing Commission, and the need for the sentence imposed to promote respect for the law, to provide just punishment, to deter other criminal conduct, and to provide the defendant with needed services. *See* 18 U.S.C. § 3553(a).

The court has contacted Defendant’s probation officer and learned that she supports early termination in this case. The court has also been notified that the government has no objection to an early termination of supervised release in this case. Defendant has had no problems while on supervised release and has complied with all the terms of his supervised release. Defendant has been employed consistently and has completed the R-dap drug-treatment program. All of Defendant’s drug tests have been negative. Based on Defendant’s conduct during his term of supervised release, the court finds that an early termination of supervised release is warranted. Accordingly, the court grants Defendant’s motion for early termination of supervised release.

DATED this 19th day of October, 2011.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is written with a large, prominent "D". The last name "Kimball" is written with a large, prominent "K". The signature is positioned above a horizontal line.

DALE A. KIMBALL
United States District Judge